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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-------------------------|---------------------|------------------|
| 10/616,450  | 07/09/2003  | Raymond William English | THOLAM P204US       | 1039             |
| 20210   | 7590        | 03/04/2005              | EXAMINER            |                  |
| DAVIS & BUJOLD, P.L.L.C.<br>FOURTH FLOOR<br>500 N. COMMERCIAL STREET<br>MANCHESTER, NH 03101-1151 |             |                         | ROSENBERG, LAURA B  |                  |
|   |             |                         | ART UNIT            | PAPER NUMBER     |
|   |             |                         | 3616                |                  |

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/616,450

**Applicant(s)**

ENGLISH, RAYMOND WILLIAM

**Examiner**

Laura B Rosenberg

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-16 is/are rejected.
- 7) ☒ Claim(s) 7 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/20/03</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on 09 July 2002. It is noted, however, that applicant has not filed a certified copy of the 2,392,775 application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

2. Claims 14-17 are objected to because of the following informalities:

“the shaft” should be changed to --the cylindrical pin-- (claim 14, line 3);

the second claim 11 should be changed to claim 15;

claims 16 and 17 should depend from claim 15 instead of claim 11.

For the purposes of examination, the examiner has referred to the second claim 11 as claim 15, and she has assumed that claims 16 and 17 depend from claim 15.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Meewes (2,775,466). Meewes discloses:

- Walking beam assembly (including #30)

- Pair of drop axles (#25, 26; drop can be seen in figure 9)
- Wheel mountings (best seen in figure 9) adapted to receive wheels (#27)
- Pair of drop walking beams (#30)
- Central transverse pivot axis (through pin #46)
- Longitudinal pivot axis (through pin #36)
- Connectors (including pins #36, 39) allowing limited pivotal movement about the longitudinal pivot axis
- Means (including bracket #60) to secure the walking beams in a longitudinal orientation to a frame (including #16)
- Connectors secured by bolts (#41) extending through apertures (not labeled) in mounting plates (#40) and secured by nuts (not labeled, but can be seen above/below bolts in figures 3, 6, 7)
- Shock absorbers (including springs #55)

With regards to the phrase “hydraulic shock absorbers”, the term “hydraulic” leads to the intended use of the shock absorbers and does not serve to distinguish.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meewes (2,775,466) in view of Willetts (3,397,896). Meewes discloses connectors including a cylindrical pin (#36) surrounded by and rotating relative to a bearing (#37). Meewes does not specifically disclose the use of a bushing, for example a resilient flexible element that can deform, to accommodate movement.

Willetts teaches:

- Walking beam assembly (including #25)
- Pair of axles (#30, 34)
- Pair of walking beams (#25)
- Central transverse pivot axis (through crossbeam #60)
- Connectors including cylindrical pin (not labeled) surrounded by a bushing/resilient flexible element (#14)
- Means (including bracket #40) to secure the walking beams in a longitudinal orientation to a frame (including #45)

It would have been obvious to one skilled in the art at the time that the invention was made to modify the walking beam assembly of Meewes such that it comprised a bushing as claimed in view of the teachings of Willetts so as to cushion movement of a pivot pin located within the bushing by taking up additional space between the pivot pin and a bushing/bearing housing (Willetts: best seen in figure 1).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meewes (2,775,466) in view of Mackie (2,493,004). Meewes does not disclose the walking

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beams being W-shaped. However, It would have been an obvious matter of design choice to have W-shaped walking beams since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. In addition, the W-shape does not appear solve any stated problem and does not appear to be for any particular purpose, and it appears that the invention would perform equally well with the walking beam shape shown in the Meewes reference. Further, Mackie teaches a walking beam assembly comprising a pair of axles (#21) and a pair of W-shaped walking beams (#20; best seen in figure 1). Accordingly, it would have been obvious to one skilled in the art at the time that the invention was made to modify the walking beams of Meewes such that they comprised a W-shape as claimed in view of the teachings of Mackie so as to provide greater clearance.

8. Claims 1-6, 8, 11-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadden (6,460,872) in view of Meewes (2,775,466). Cadden discloses:

- Walking beam assembly (#10, 12)
- Pair of axles (#18, 20)
- Wheel mountings (not shown) adapted to receive wheels (shown in dotted lines in figure 1)
- Pair of walking beams (#22)
- Central transverse pivot axis (through #24)

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- Connectors (#38 or including #28, 30, 32)
- Means (including saddle #58) to secure the walking beams in a longitudinal orientation to a frame (including #14, 16)
- Connectors (for example, #38) secured by bolts (#44) extending through apertures (not labeled) in mounting plates (#34) and secured by nuts (#46; figures 2, 5)
- Connectors (for example, including #28, 30, 32) include pin (#32) surrounded by and rotating relative to a bushing (#28, 30), the bushing being a resilient flexible element that deforms to accommodate movement
- Pair of suspension arms (#64) having pivotal connection (at #88), support bracket (#58), and shock absorbers (including #72)
- Hydraulic shock absorbers (#108, 110)
- Leveling valve (#106)

Cadden does not disclose the axles being drop axles, the connectors or mounting plates being on top of the drop axle, or a longitudinal pivot axis. Meewes teaches a walking beam assembly (including #30) comprising a pair of drop axles (#25, 26), a pair of walking beams (#30), a central transverse pivot axis (through pin #46), a longitudinal pivot axis (through pin #36), and connectors (including pins #36, 39) and mounting plates (#40) located on top of the intermediate portion of the drop axles (best seen in figure 2). It would have been obvious to one skilled in the art at the time that the invention was made to modify the walking beam assembly of Cadden such that it comprised drop axles, connectors and mounting plates located on top of the drop axles, and a longitudinal pivot axis as claimed in view of the teachings of Meewes so as to

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allow for a lower drop frame assembly, which would provide more cargo room, and so as to allow for some pivotal movement around a longitudinal axis, which would provide a more comfortable ride.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cadden (6,460,872). Cadden does not disclose the pin (#32) having a threaded end and a nut being threaded onto the threaded end, thereby facilitating the use of washers as shims. However, Cadden does disclose cylindrical pins, nuts, and washers (#36) that facilitate the use of washers as shims. Thus, it would have been obvious to one skilled in the art at the time that the invention was made to modify the walking beam assembly of Cadden such that it comprised a cylindrical pin, threaded end, and nut as claimed since the pin, washer, and nut assembly of Cadden performs a similar function of facilitating the use of washers as shims.

#### ***Allowable Subject Matter***

10. Claims 7 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murty et al. disclose a walking beam assembly comprising walking beams and drop axles.

Pavuk discloses a walking beam assembly comprising walking beams, axles, and air springs.

Pointer discloses a walking beam assembly comprising axles and W-shaped walking beams.

Judd, Zeilman, Gerou, Wagner, Clark, Vinton, Cortez et al., Scully, and Adema et al. each disclose a walking beam assembly comprising walking beams and axles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Beginning April 7, 2005, Laura B Rosenberg can be reached at the new USPTO location at (571) 272-6674, and Paul Dickson can be reached at (571) 272-6669.

  
Laura B Rosenberg  
Patent Examiner  
Art Unit 3616

LBR

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